

**SES Performance Management System
Executive Performance Plan**



Part 1. Consultation. *I have reviewed this plan and have been consulted on its development.*

Executive's Name (Last, First Middle): EPP, TIMOTHY R	Appraisal Pd. 10/1/2021 - 9/30/2022		
Executive's Signature: Electronically signed by EPP, TIMOTHY R	Date: 11/15/2021		
Title: ASSOC GEN COUNSEL (NATIONAL FOIA OFC)	Organization: OFC OF GENERAL COUNSEL - NATIONAL FOIA OFFICE		
Rating Official's Name (Last, First Middle): PACKARD, ELISE B	<input type="checkbox"/> CA	<input type="checkbox"/> NC	<input type="checkbox"/> LT/LE
Rating Official's Signature: Electronically signed by PACKARD, ELISE B (Rating Official)	Date: 11/15/2021		

Part 2. Progress Review

Executive's Signature: Electronically signed by EPP, TIMOTHY R	Date: 5/4/2022
Rating Official's Signature: Electronically signed by PACKARD, ELISE B (Rating Official)	Date: 4/29/2022
Reviewing Official's Signature (Optional):	Date:

Part 3. Summary Rating

Initial Summary Rating	(b) (6)		
Rating Official's Name (Last, First, Middle): PACKARD, ELISE B			
Rating Official's Signature: Electronically signed by PACKARD, ELISE B (Rating Official)	Date: 11/9/2022		
Executive's Signature: Electronically signed by EPP, TIMOTHY R	Date: 11/9/2022		
Reviewing Official's Signature (Optional):	Date:		
Higher Level Review (if applicable)			
<input type="checkbox"/> I request a higher level review. Executive's Initials:	Date:		
Higher Level Review Completed: <input type="checkbox"/>	Date:		
Higher Level Reviewer Signature:	Date:		
Performance Review Board Recommendation	(b) (6)		
PRB Chair Signature: Electronically signed by KAMEN, MARA J (Performance Review Board Chair)	Date: 2/2/2023		
Annual Summary Rating	(b) (6)		
Appointing Authority Signature: Electronically signed by MCCABE, JANET G (Appointing Authority)	Date: 3/8/2023		

Part 4. Derivation Formula and Calculation of Annual Summary Rating

(b) (6)	Summary Level Ranges
	475 - 500 = Level 5
	400 - 474 = Level 4
	300 - 399 = Level 3
	200 - 299 = Level 2
	Any CE rated Level 1 = Level 1

Part 5. Performance Standards and Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description).

Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Government-wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.

Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, time lines, or targets as applicable.

Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon time lines. The executive meets and sometimes exceeds challenging performance expectations established for the position.

Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, time lines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.

Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/time lines/targets and fails to produce – or produces unacceptable – work products, services, or outcomes.

Element Rating Level Points

Level 5 = 5 points
Level 4 = 4 points
Level 3 = 3 points
Level 2 = 2 points
Level 1 = 0 points

Critical Element 1. Leading Change**(b) (6)**

Mandatory Performance Requirement: Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.

Agency-Specific Performance Requirements:

Provides key results from continuous improvement efforts (e.g., process improvements, problem-solving, employee ideas implemented, problem up-leveling, SES improvement projects) as well as other management and administrative accomplishments.

(b) (6)

Critical Element Rating - Leading Change

(b) (6)

Critical Element 2. Leading People**(b) (6)**

Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.

Agency-Specific Performance Requirements:

Develops, implements, and evaluates EEO Action Plans and other strategies to address EEO, diversity and inclusion, and accessibility triggers and barriers. Takes proactive measures to ensure compliance with EEO laws, regulations, Executive Orders, policies, and works towards success of agency's DEI&A programs. Applies Merit Systems Principles as appropriate. Promptly responds to allegations of discrimination, including harassment, and takes appropriate action to address them.

Linking to the agency's priority goals, directly supports EPA's commitment to employee engagement by cultivating a highly skilled and dedicated workforce. Acclimates new employees, fosters continuous learning and professional growth, effectively communicates goals and expectations, and celebrates accomplishments. Models and promotes cooperation and trust by valuing employee feedback; using it and other data to implement action plans or initiatives to improve employee engagement. Delegates decision-making to the most appropriate level and ensures knowledge transfer is successfully woven into organizational practices.

Takes action to develop and strengthen the supervisory and leadership team in the organization.

(b) (6)

Critical Element Rating - Leading People

(b) (6)

Critical Element 3. Business Acumen**(b) (6)**

Mandatory Performance Requirement: Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.

Agency-Specific Performance Requirements:

Promotes Agency's compliance with Freedom of Information Act (FOIA) laws, regulations, policies, and Executive Orders. When a FOIA request is submitted, oversees prompt processing of the request, including a two-level review of the documents, ensures issuance of timely and well-reasoned initial determination responding to the request, ensures proper application of the FOIA exemptions and other legal requirements prior to releasing information, and actively assists with related appeals and litigation. Is accountable for ensuring that employees responding to FOIA requests have the knowledge, skills and abilities to perform their duties and respond in a thorough and timely manner to requests to ensure both: 1) protection of confidential and privileged information; and 2) the Agency's compliance with all applicable laws, regulations, policies, and Executive Orders. Supervisors will determine which portions apply to any job.

As applicable, effectively promotes and supports meeting the Agency's Small Business Program goals and commitments.

As appropriate, effectively promotes and supports meeting the Agency's Minority Academic Institutions Program goals.

As applicable, modernizes business practices, including through E-Enterprise, and takes advantage of new tools and technologies.

As applicable, ensures compliance with all personnel security and National Security Information requirements. Safeguards and protects classified information in the manner prescribed by regulation, directive and agency guidelines. Report incidents, in compliance with the National Security Information manual, involving the improper handling, unauthorized or inadvertent disclosure of classified information and violations of the security regulations.

(b) (6)**Critical Element Rating - Business Acumen****(b) (6)**

Critical Element 4. Building Coalitions

(b) (6)

Mandatory Performance Requirement: Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.

Agency-Specific Performance Requirements:

As applicable, strengthens relationships with states, tribes, territories, and local governments to enhance shared accountability and increase transparency and public participation.

As applicable, engages with regulated community, public interest groups, and co-regulators to accelerate progress toward EPA's strategic goals and to ensure certainty.

As applicable, engages communities to improve health and communicate risk, while advancing Agency goals for environmental justice and children's health.

(b) (6)

(b) (6)

(b) (6)

Critical Element 5. Results Driven

(b) (6)

The executive must list at least 2 performance requirements. The executive may list up to 10 in total; overflow space provided on following page. Calibri 10 font required.

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.

Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.

Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.

<p>Performance Requirement 1:</p> <p>Performance Requirement 1 (FEAT): Provide sound legal, processing, and policy advice to EPA program and regional offices that is timely, defensible, and supports the Agency's effective and efficient implementation of the Freedom of Information Act pertaining to selected FOIA requests that have been determined to be the most complex and/or potentially sensitive requests received across the Agency. <u>Advice is deemed consistent, thorough, accurate, relevant and timely and at the expert level by OGC senior management.</u></p>	<p>Strategic Alignment:</p> <p>Objective 2.2 - Increase transparency and public participation: Listen to and collaborate with impacted stakeholders and provide effective platforms for public participation and meaningful engagement. - 30-33</p>
<p>Performance Requirement 2:</p> <p>Performance Requirement 2 (FORT): Perform intake review and assignment of FOIA requests, process fee waiver requests and expedited processing requests, and draft annual, monthly and periodic FOIA processing reports. Provide legal and policy advice and support to EPA program and regional offices in their FOIA processing and work to update local FOIA procedures. <u>The FOIA processing, reporting, and legal advice is deemed consistent, thorough, accurate, relevant and timely and at the expert level by OGC senior management. FOIA request intake review and assignment is completed on average in under 5 working days from receipt.</u></p>	<p>Strategic Alignment:</p> <p>Objective 2.2 - Increase transparency and public participation: Listen to and collaborate with impacted stakeholders and provide effective platforms for public participation and meaningful engagement. - 30-33</p>
<p>Performance Requirement 3:</p> <p>Performance Requirement 3 (FORT): Provide appropriate training and guidance on FOIA implementation responsibilities, standards, techniques, and methods to support EPA program and regional offices in their FOIA processing and response. <u>The FOIA training and guidance is deemed consistent, accurate, relevant and timely and at the expert level by OGC senior management.</u></p>	<p>Strategic Alignment:</p> <p>Objective 2.2 - Increase transparency and public participation: Listen to and collaborate with impacted stakeholders and provide effective platforms for public participation and meaningful engagement. - 30-33</p>
<p>Performance Requirement 4:</p> <p>Performance Requirement 4: Provide sound legal, processing, and policy options for a FOIA regulation notice of proposed rulemaking that is timely, defensible, and supports the Agency's effective and efficient implementation of the Freedom of Information Act. <u>Advice regarding options for a notice of proposed rulemaking is deemed consistent, thorough, accurate, relevant and timely and at the expert level by OGC senior management.</u></p>	<p>Strategic Alignment:</p> <p>Objective 2.2 - Increase transparency and public participation: Listen to and collaborate with impacted stakeholders and provide effective platforms for public participation and meaningful engagement. - 30-33</p>
<p>(b) (6)</p> <p>[REDACTED]</p>	
<p>Critical Element Rating - Results Driven</p>	
<p>(b) (6)</p>	

Part 6. Summary Rating Narrative (Mandatory)

(b) (6)

(b) (6)

(b) (6)

Appraisal Period 10/1/2021 - 9/30/2022

(b) (6)

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Part 8. Agency Use

As of April 1, 2022 the agency specific performance requirements for Critical Elements 1, 3, and 4 are updated as follows:

1. Climate Change – Add Agency Specific language to CE 1 – Leading Change

As applicable, the executive will support EPA to ensure its programs, policies, rulemaking processes, enforcement and compliance assurance activities, and operations consider the current and future impacts of climate change and how those impacts (activities) will disproportionately affect overburdened and underserved communities.

2. Small Business – Add Agency Specific language to CE 3 – Business Acumen

Remove the following CE 3 Agency Specific language:

As applicable, effectively promotes and supports meeting the Agency's Small Business Program goals and commitments

Replace with:

As applicable, actively promotes and supports the achievement of the Agency's small and socioeconomic business contracting goals by communicating the importance of achieving the goals; monitoring progress; encouraging participation in small business engagement and outreach activities; and cultivating an environment responsive to small business concerns.

3. Environmental Justice and Civil Rights Compliance – Add Agency Specific language to CE 4 – Building Coalitions

As applicable, provide leadership to meaningfully engage with communities with EJ concerns, including with community based EJ organizations, and provide them with regular opportunities to input into decisions and program implementation including the provision of technical assistance to raise their capacity to do so. Transparently and accountably demonstrate where the input from meaningful engagement and the result of other efforts such as engaging directly with NEJAC, reviewing NEJAC and WHEJAC recommendations, using EJ tools such as EJ Screen, or performing EJ analyses, have led to integration of EJ considerations across the policies, programs, and activities under your responsibility. Ensure all actions of your office/unit are in full compliance with civil rights requirements and any activities with recipients of EPA resources similarly are in full compliance.